

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case Number 08-20054-BC
Honorable Thomas L. Ludington

BERNARD CONLEY,

Defendant.

_____ /

ORDER DENYING MOTION FOR SENTENCING TRANSCRIPTS

Defendant Bernard Conley pleaded guilty to one count of distribution of cocaine base, 21 U.S.C. §841(a)(1), and was sentenced to 71 months in prison on September 17, 2008. [Dkt. # 20]. A notice of appeal was never filed, nor is the Court aware of a pending collateral attack on the conviction or sentence pursuant to 28 U.S.C. §§ 2255 or 2241. Now before the Court is Defendant's August 31, 2009 motion requesting a free copy of his sentencing transcripts because "in light of recent relevant" case law the sentencing court "may have committed error when it imposed it." [Dkt. # 21]. According to the motion, he "has been incarcerated since the day of his arrest and he has no money to pay for the Transcripts."

Although federal law may allow for a collateral appeal of Defendant's sentence if the Court did in fact commit error when it imposed it, *see* 28 U.S.C. §§ 2255 and 2241, and provide procedures to accommodate his lack of financial resource, *see* 28 U.S.C. § 1915, in this case Defendant has not commenced any appeal of his conviction or sentence. The Court is not aware of any obligation of the government to provide Defendant with sentencing transcripts at government expense.

Accordingly, it is **ORDERED** that Defendant's motion for sentencing transcripts is **DENIED WITHOUT PREJUDICE**, [dkt #21].

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge

Dated: September 8, 2009

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on September 8, 2009.

s/Tracy A. Jacobs
TRACY A. JACOBS